

**UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION**

Case No. 2:18-md-2846

**Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson**

**This document relates to:
ALL CASES.**

PRETRIAL ORDER NO. 18

August 13, 2020 Status Conference

On August 13, 2020, the Court held a telephonic status conference with counsel for the Plaintiffs' Steering Committee (the "PSC") and counsel for Defendants. This Pretrial Order memorializes the conference as follows:

Update on COVID-19 Impact on the Court: The Court provided an update on the impact of the COVID-19 pandemic on the Court's proceedings. The Court informed the parties that it will maintain the January 11, 2021 trial date in *Johns v. C.R. Bard et al.*, Case No. 2:18-cv-01509 for now, and will update the parties as soon as possible on another trial scheduled to begin in February 2021 that may impact its ability to the *Johns* trial in January 2021.

MDL Case Filings Update: The parties provided the Court with an update regarding filings. The PSC stated that as of August 10, 2020, there were 8,366 cases filed and estimated the total cases filed may near 10,000 by the end of the year.

Hearing Process/Date for MILs, Including AHSQC MIL: The parties requested the Court schedule hearings to resolve the parties' pending motions *in limine*, as well as third-party Americas Hernia Society Quality Collaborative Foundation's ("AHSQCF") motion *in limine* in the *Johns*

case. As the Court explained during the conference, the Court will hold status conferences via GoToMeeting to rule on the pending motions *in limine* on August 21, 2020, August 27, 2020, September 3, 2020, and September 10, 2020 at 10:30am EST. The Court may ask questions of the parties before ruling, but will not hear arguments on each motion. The Court will rule on the motion *in limine* filed by Americas Hernia Society Quality Collaborative Foundation during the conference on August 21, 2020. The parties shall meet and confer regarding the groups of their motions to be ruled on at each conference and to notify the Court regarding their agreement by close of business on Tuesday, August 18, 2020. If they cannot agree, the following schedule will apply:

- August 21, 2020 at 10:30am EST- Americas Hernia Society Quality Collaborative Foundation's Motion *in Limine* and Plaintiff's Motions *in Limine* 1-12
- August 27, 2020 at 10:30am EST- Plaintiff's Motions *in Limine* 13-23
- September 3, 2020 at 10:30am EST- Bard's Motions *in Limine* 1-11
- September 10, 2020 at 10:30am EST- Bard's Motions *in Limine* 12-21

Discovery Update: The parties provided the Court with an update regarding a number of discovery issues, including: document productions, deposition scheduling, third party discovery, and privilege logs. The parties confirmed that they are continuing to work together to resolve issues as they arise and that currently there are no issues requiring the Court's intervention.

Discovery Going Forward in Light of Changes in Court's Bellwether Trial Schedule: The parties informed the Court that they have identified discrete areas of discovery to be conducted and have been meeting and conferring regarding the requested discovery.

Scheduling: The next status conference will be scheduled at a later date.

8/14/2020

DATE

s/Edmund A. Sargus, Jr.

EDMUND A. SARGUS, JR.

UNITED STATES DISTRICT JUDGE

8/14/2020

DATE

s/Kimberly A. Jolson

KIMBERLY A. JOLSON

UNITED STATES MAGISTRATE JUDGE